



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR REGULAR SESSION MEETING Scheduled to begin at 1:30 p.m. on August 11, 2005 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

THE BOARD WILL CONSIDER, DISCUSS AND MAY TAKE ACTION ON ANY AGENDA ITEM.

Board Members

Tim B. Hunter, M.D., Chair
William R. Martin III, M.D., Vice Chair
Douglas D. Lee, M.D., Secretary
Patrick N. Connell, M.D.
Ronnie R. Cox, Ph.D.
Robert P. Goldfarb, M.D.
Ingrid E. Haas, M.D.
Becky Jordan
Ram R. Krishna, M.D.
Lorraine L. Mackstaller, M.D.
Sharon B. Megdal, Ph.D.
Dona Pardo, Ph.D., R.N.

THURSDAY, AUGUST 11, 2005

CALL TO ORDER

Tim B. Hunter, M.D., Chair, called the meeting to order at 3:47 a.m.

ROLL CALL

The following Board Members were present: Tim B. Hunter, M.D., Douglas D. Lee, M.D., Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ram R. Krishna, M.D., Dona Pardo, Ph.D., R.N. Ronnie R. Cox, Ph.D., Ingrid E. Haas, M.D. and Lorraine L. Mackstaller, M.D., and Sharon B. Megdal, Ph.D. The following Board Member recused himself: William R. Martin, III, M.D. The following Board Member was not present: Becky Jordan

CALL TO THE PUBLIC

Statements issued during the Call to the Public appear beneath the case referenced.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN	LIC. #	SUBJECT
1.	MD-05-0336A	AMB JOSEPH M. SCOGGIN, M.D.	30290	Accept Proposed Consent Agreement for License Reactivation and Probation

William R. Martin, III, M.D. recused himself from the case.

Chris Banyas, Monitored Aftercare Program (MAP), presented the case. Dr. Scoggin participated in the Mississippi recovering physicians program from 1998 to 2003. He was issued an Arizona license in May 2002 and entered into a stipulation rehabilitation agreement on May 29th. Dr. Scoggin was compliant with the terms of his agreement and the SRA terminated on June 20, 2004. On March 17, 2005 Tempe St. Luke's Hospital reported that his privileges had been suspended due to suspicious behavior, admission to self-prescribing Tramadol, and failure to submit to a urine drug screen. Dr. Scoggin contacted Dr. Michel Sucher and reported his relapse. On March 20th, 2005 Dr. Scoggin signed a request to inactivate his license with cause pursuant to ARS 32.1452(F). He entered treatment at Sierra Tucson on March 28th and was discharged April 27th. Dr. Scoggin entered the Betty Ford Center on May 3rd and was discharged July 1st after successfully completing long-term inpatient treatment. Dr. Scoggin signed an interim consent agreement to participate in MAP on August 2nd, 2005. The recommendations from Betty Ford center include Naltrexone medication, a 3-month 40-hour workweek restriction, and participation in MAP. Board staff is recommending approval of the consent agreement for license reactivation and probation based upon the recommendation from the Betty Ford Center and David Greenberg, M.D.

Dr. Scoggin made an opening statement. He thanked the Board for hearing his case and the staff for preparing it. Dr. Scoggin stated that he has a life long disease. He had been in sobriety for 7 years and relapsed. Dr. Scoggin stated that he believed himself to be a

good physician and he has the disease of addiction. Dr. Scoggin stated that he is responsible for his own actions, for the disease, and for his own recovery. He stated that his actions led him to the Board today and has taken him away from the care of his patients. Dr. Scoggin stated that he was grateful for the chance to return to his profession.

Dr. Greenberg made a statement to the Board. He stated that Lorcet in Arizona has a generic drug called Tramadol. The drug has opiate-like effects that work on the part of the brain that morphine works on and it also has the effects that anti-depressant drugs have. Dr. Greenberg stated that the drug can be abused, and people could become dependent on it and get into trouble. This was Dr. Scoggin's drug of choice. Dr. Greenberg also noted that even though it was a stupid thing for Dr. Scoggin to prescribe Ultracet to himself, it is not illegal in the State of Arizona because of the fact that it is not a controlled substance. Physicians are allowed to prescribe non-controlled substances to themselves and to their first-degree relatives.

Dr. Greenberg pointed out that Dr. Scoggin came from the State of Mississippi and went through their program. He had a long period of sobriety with monitoring. Dr. Scoggin came to Arizona and was only put on monitoring for a year. Dr. Greenberg's opinion was that it is a big deal for Dr. Scoggin to move from one part of the country to another and open up a practice and restart his career. Because Dr. Scoggin relapsed after a one-year of monitoring, after moving into the State, Dr. Greenberg felt that a longer monitoring period would make sense. Dr. Greenberg spoke with Dr. Scoggin and he agreed. He felt Dr. Scoggin did a great job in treatment and recommended he be allowed to return to duty as a physician. Dr. Greenberg felt Dr. Scoggin was capable of being a participant in the MAP program again and feels sure that he would be a good participant once again. This time, Dr. Greenberg, suggests placing him in the MAP program for 5 years.

Sharon B. Megdal, Ph.D. noted that Dr. Scoggin was inactive with cause and asked Dr. Scoggin what type of practice he was in. Dr. Scoggin replied that he was part of a large orthopedic group in the Phoenix Metro area. He stated that he was no longer with that group. Dr. Scoggins plans to join another orthopedic surgeon in practice so that he would have one partner in the new setting, whereas before he had 14 partners.

Patrick N. Connell, M.D. asked Dr. Greenberg about the rationale behind Dr. Scoggin taking the prescription Naltrexone. Dr. Greenberg replied that first; the doctor had a serious relapse, and second, another relapse for him would be potentially dangerous for the patient, but also catastrophic for his recovery. Dr. Greenberg discussed the situation with members of the Federation of State Physician Health Plan (FSPHP) group, a national group that other states belong to, which is similar to Arizona's MAP program. Dr. Greenberg stated that Ultracet is a non-controlled substance sample that is prolifically sampled. FSPHP's opinion is that an opiate addicted physician who relapses with a drug like Ultracet, would benefit from taking Naltrexone, as it will decrease his chances of impulsively taking a sample of Ultracet and reactivating his addiction.

MOTION: Lorraine Mackstaller, M.D. moved to accept the consent agreement.

SECOND: Ram R. Krishna, M.D.

ROLL CALL VOTE: The following Board Members voted in favor of the motion: Tim B. Hunter, M.D., Douglas D. Lee, M.D., Patrick N. Connell, M.D., Ronnie R. Cox, Ph.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Ram R. Krishna, M.D., Lorraine Mackstaller, M.D., Sharon B. Megdal, Ph.D., and Dona Pardo, R.N., Ph.D. The following Board Member recused himself from the case: William R. Martin, III, M.D. The following Board Member was absent: Becky Jordan

VOTE: 10-yay, 0-nay, 1-abstained/recused, 1-absent

MOTION PASSED.

Meeting adjourned at 3:59

[Seal]

Timothy C. Miller, J.D., Executive Director